

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 4, 2006. Applicant adds new Claims 81-87. Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 and 103 Rejections

The Office Action rejects Claims 1-9, 11-16, 18-26, 28-33, and 60-80 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,725,090 issued to Lattin et al. (“*Lattin*”). The Office Action also rejects Claims 10, 17, 27, 34 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Lattin*. Applicant respectfully traverses these rejections for the reasons stated below.

Claim 60 is allowable at least because *Lattin* fails to teach or suggest “a battery positioned between the first and second reservoirs.” **The Office Action does not identify any portion of *Lattin* that it contends meets this limitation.** There is none. Rather, the batteries 37 in *Lattin* are positioned only within rigid housings 32 and 34 (column 7, lines 1-2, 54-56). Moreover, *Lattin* emphasizes the need for this positioning because of functional concerns (column 8 lines 12-21). Thus, *Lattin* fails to teach or suggest this limitation because the location of the batteries 37 within rigid housings 32 and 34 are not between first and second reservoirs.

In addition, Claim 60 is allowable at least because *Lattin* fails to teach or suggest “a reservoir pad adapted to absorb the therapeutic agents to be delivered to the user.” **The Office Action does not identify any portion of *Lattin* that it contends meets this limitation.** Elements 23 and 24 in *Lattin* merely contain a hydrophobic polymer or gel (column 7, lines 21-25), which does not constitute the claimed reservoir pad. Indeed, nowhere in *Lattin* is there any mention of a reservoir pad adapted to absorb the therapeutic agents to be delivered to the user. In addition, because *Lattin* fails to teach the reservoir pad limitation, *Lattin* certainly surely fails to teach or suggest “a foam reservoir gasket adapted to help contain the therapeutic agents contained in the reservoir pad.”

For at least the above reasons, Claim 60 is allowable, as are all claims depending therefrom, including new dependent claims 81 and 86. Favorable action is requested.

Independent Claims 67, 74, and 84 are allowable at least for reasons analogous to those described above with respect to Claim 60, as are all claims depending therefrom. Favorable action is requested.

Claim 1 is allowable at least because *Lattin* fails to teach or suggest “a foldable connecting portion coupling the first end to the second end and adapted to allow the system to be used in an extended or non-extended state, in the extended state the first and second ends being separated by a first predetermined distance with the connecting portion in an unfolded configuration, in the non-extended state the first and second ends being separated by a second distance less than the first distance with the connecting portion in a folded configuration.” The Office Action asserts *Lattin* discloses a “system adapted to be used in an extended or non-extended state,” **but does not identify whether it contends *Lattin* teaches or suggests “a foldable connecting portion,”** as recited in Claim 1. Regardless, both Figures 8 and 9 in *Lattin* fail to teach or suggest this limitation at least because the flexible connector means 202 is not shown in an unfolded condition when the system is in an extended state, and in a folded configuration when the system is in a non-extended state. Rather, the *Lattin* figures merely show a flexible connector means 202 in an accordion-like configuration, without teaching or suggesting a folded condition and an unfolded condition as recited in Claim 1. For at least this reason, Claim 1 is allowable, as are all claims depending therefrom. Favorable action is requested.

Independent Claim 18 is allowable at least for reasons analogous to those described above with respect to Claim 1, as are all claims depending therefrom. Favorable action is requested.

Applicants’ new dependent Claims 81-83 are allowable based on their dependence on the independent claims and further because they recite numerous patentable distinctions over the references of the rejection. For example, *Lattin* does not teach or suggest a battery “approximately midway between the first reservoir and the second reservoir,” as recited in Claims 81-83. As emphasized previously with regards to Claim 60, *Lattin* fails to teach or suggest this limitation because the location of the batteries 37 within rigid housings 32 and 34 are not between first and second reservoirs. Therefore, *Lattin* clearly fails to teach or suggest positioning battery 37 “approximately midway between the first reservoir and the second reservoir.”

Applicants' new independent Claim 84 is allowable at least for reasons analogous to some of the above-described reasons Claim 60 is allowable. In particular, the cited references do not disclose "the battery positioned between the first and second reservoirs." For at least this reason, Claim 84 is allowable, as are Claims 85 and 87 depending therefrom. Favorable action is requested.

Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge the fee of **\$175.00** to satisfy the New Claims fee to Deposit Account No. 02-0384 of BAKER BOTT S L.L.P. A separate transmittal for calculating the new claims fee is attached hereto.

Applicant believes no other fees are currently due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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